

29664. Frozen pollock fillets. (F.D.C. No. 48919. S. No. 18-299 V.)

INDICTMENT RETURNED: 9-10-63, S. Dist. Tex., against Magnolia Seafood Co., Inc., Houston, Tex., and Joe Genitempo, Sr.

ALLEGED VIOLATION: While a quantity of pollock fillets were being held for sale at Houston, Tex., after shipment in interstate commerce, the defendants caused the article to be offered for sale and sold as cod fillets, which act caused the article to be adulterated and misbranded.

LABEL IN PART: (Cases) "Cod Magnolia Seafood Co. Houston, Texas."

CHARGE: 402(b) (2)—while held for sale, pollock fillets had been substituted for cod fillets; 403(a)—the statement "cod" on the case labels was false and misleading in that the statement represented and suggested that the article was cod, whereas, it was pollock fillets, 403(b)—the article was offered for sale under the name of another food, namely, cod fillets; and 403(i) (1)—the label of the article failed to bear the common or usual name of the food, namely, pollock fillets.

PLEA: Guilty.

DISPOSITION: 11-1-63. Corporation—\$2,000 fine; individual—\$1,000 fine.

29665. Fresh shad roe. (F.D.C. No. 50097. S. No. 62-941 A.)

QUANTITY: Approximately 100 lbs. in unlabeled 25-lb. tin containers, at Beverly Hills, Calif.

SHIPPED: 4-29-64, from New York, N.Y., by Regal Lobster Co.

LIBELED: 5-19-64, S. Dist. Calif.

CHARGE: 402(a) (3)—contained decomposed shad roe when shipped.

DISPOSITION: 6-16-64. Default—destruction.

29666. Canned tuna. (F.D.C. No. 49664. S. No. 13-793 X.)

QUANTITY: 149 bundles of 2 ctns., each containing 4-lb. 2½-oz. cans, at Chicago, Ill.

SHIPPED: 7-15-63, from New York, N.Y.

LIBELED: 12-31-63, N. Dist. Ill.

CHARGE: 402(a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 2-24-64. Consent—claimed by C. F. Emling Co., Chicago, Ill. Segregated; 104 cans destroyed.

29667. Frozen smelt. (F.D.C. No. 49815. S. No. 49-842 A.)

QUANTITY: 100 ctns., each containing 10 5-lb. boxes, at Detroit, Mich.

SHIPPED: 9-14-62, from Erieau, Canada, by Pejay Packing Co., Ltd.

LABEL IN PART: (Ctn.) "Dressed Smelt Frozen * * * Packed by Pejay Packing Company, Ltd. Erieau, Ontario."

LIBELED: 2-25-64, E. Dist. Mich.

CHARGE: 402(a) (3)—contained decomposed fish when shipped.

DISPOSITION: 7-23-64. Consent—claimed by J. Kozloff Fish Distributors, Inc., Detroit, Mich., for export to shipper.

29668. Frozen trout. (F.D.C. No. 50211. S. No. 44-064 A.)

QUANTITY: 15 cases, each containing 105-lb. ctns., at Denver, Colo.

SHIPPED: 2-29-64, from Wendell, Idaho, by Rim View Trout Co., Inc.

LABEL IN PART: (Bag) "Idaho's Best Rim View Trout Co., Inc., Rainbow Trout, Wendell, Idaho"; and (ctn.) "Rocky Mountain Rainbow * * * Fresh Frozen * * * Produced and Packed by Rim View Trout Co., Inc. Wendell, Idaho."

RESULTS OF INVESTIGATION: Examination showed that the fish were diseased, as evidenced by scoliosis and the presence of ichthyosporidium organisms in the tissues of the fish.

LIBELED: 5-26-64, Dist. Colo.

CHARGE: 402(a) (5)—the article was in whole or in part the product of a diseased animal when shipped.

DISPOSITION: 7-7-64. Default—destruction.

29669. Canned shrimp. (F.D.C. No. 47455. S. No. 53-293 T.)

QUANTITY: 1,086 cases, each containing 24 4½-oz. cans, at Portland, Oreg.

SHIPPED: 2-15-62, from Seattle, Wash., by Whiz Fish Products Co.

LABEL IN PART: (Can) "Pacific Brand Cleaned Cocktail Shrimp Wet Pack * * * Packed for Kay Sales Company, Portland, Oregon."

RESULTS OF INVESTIGATION: Examination showed that approximately one-half of the product was broken shrimp and the article failed to comply with the standard of fill of container for canned wet pack shrimp.

LIBELED: 4-17-62, Dist. Oreg.

CHARGE: 402(b) (2)—when shipped, broken shrimp had been substituted in part for whole shrimp; 403(a)—the label statement "Shrimp" was false and misleading as applied to a product consisting in part of broken shrimp; 403(h) (2)—the article fell below the standard of fill of nontransparent containers for canned wet pack shrimp in that the cutout weight of the shrimp taken from each can was less than 64 percent of the water capacity of the container and its label failed to bear a statement that it fell below the standard; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient since water and salt were not declared.

DISPOSITION: 6-18-62. Consent—claimed by King Crab Inc., Kodiak, Alaska, and relabeled.

29670. Frozen shrimp. (F.D.C. No. 50228. S. No. 71-304 A.)

QUANTITY: 24 ctns., each containing 10 5-lb. boxes, at Minneapolis, Minn.

SHIPPED: 5-5-64, from Winnipeg, Canada, for Bon Secour Fisheries, Bon Secour, Ala. This was a return shipment.

LABEL IN PART: (Ctn.) "Bon Secour Shrimp White."

LIBELED: 6-15-64, Dist. Minn.

CHARGE: 402(a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 7-30-64. Default—denatured for use as animal feed.

29671. Frozen canned oysters. (F.D.C. No. 49063. S. No. 76-800 V.)

QUANTITY: 57 cases, of 12 12-oz. cans, at Des Moines, Iowa.

SHIPPED: 3-9-63, from Tilghman, Md., by Tilghman Packing Co.

LABEL IN PART: (Can) "Tilghman Brand Frozen Oysters * * * Packed by The Tilghman Packing Company Tilghman, Maryland."

RESULTS OF INVESTIGATION: Examination showed the average drained liquid to be 40.7 percent.

LIBELED: 8-5-63, S. Dist. Iowa.